IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 357 of 2000

with

CIVIL APPLICATION No 8799 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

INDRAVADAN ISHWARBHAI PATEL

Versus

SURESH KUMAR RATILAL VYAS

Appearance:

1. Appeal from Order No. 357 of 2000

MR BS MISHRA for Appellant No.

MR DR BHATT for Appellant No.

MR BG JANI for Respondent No. 1

RULE UNSERVED for Respondent No. 2-4

2. Civil Application No. 8799 of 2000

MR BS MISHRA for Appellant No.

MR BG JANI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 14/02/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 30.08.2000 passed below application exh.5 & 23 by the learned Civil Judge (S.D.), Mirzapur, Ahmedabad in Special Civil Suit No.139 of 2000, whereby exh.5 application was allowed and exh.23 application was rejected.

2. Ms.Mohini Bhavsar learned advocate appearing for Mr.B G Jani for the respondent states that the respondent has taken away the brief from Mr.Jani.

3. However, since the matter is pending from 2000 and the suit in question is also of the same year, it would be appropriate to expedite the hearing of the said suit pending before the trial Court while continuing the interim relief granted by this Court in Civil Application No.1717 of 2001 whereby the operation of the impugned order was stayed.

4. Accordingly, the trial Court is directed to expedite the hearing of the suit being Special Civil Suit No.139 of 2000 pending before the Court of the learned Civil Judge (S.D.), Mirzapur, Ahmedabad and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise within a period of one year from the date of receipt of writ of this order. It is made clear that this Court has issued the aforesaid directions without entering into the merits of the matter.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo granted by this Court till the suit is disposed of. Office is directed to send writ of this order forthwith.

ORDER IN CIVIL APPLICATION

In view of the order passed in the main matter, no orders are necessary in this civil application. It stands disposed of accordingly.

(K. S. Jhaveri, J.)

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